

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

David E. Threlkeld,

Civ. File No. 05-2604(PAM/AJB)

Petitioner,

v.

ORDER

R.L. Morrison,

Respondent.

This matter is before the Court on Petitioner's objections to United States Magistrate Judge Arthur J. Boylan's Report and Recommendation ("R&R") dated December 13, 2005. The R&R recommended that this Court grant Petitioner's Application for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and order Respondent to reconsider when Petitioner should be assigned to a community confinement center. In the R&R, the Magistrate Judge relied specifically on this Court's previous decision in Hayek v. Caraway, No. 05-1424, 2005 WL 3334600 (D. Minn. Dec. 7, 2005) (Magnuson, J.). That decision invalidated 28 C.F.R. §§ 570.20-.21, regulations promulgated by the Bureau of Prisons that relate to the placement of prisoners in community confinement centers.

Respondent did not file any objections to the R&R. Petitioner filed objections, but did not substantively challenge any of the Magistrate Judge's findings or rulings. Instead, he merely asked the Court to order the Bureau of Prisons to immediately consider transferring Petitioner to a community confinement center. The Bureau of Prisons transferred Petitioner to a community confinement center on January 9, 2006. Thus, his Application for a Writ of Habeas Corpus is now moot.

The Magistrate Judge correctly found 28 C.F.R. §§ 570.20-.21 invalid. The Court therefore **ADOPTS** the R&R (Clerk Doc. No. 10). However, because the Bureau of Prisons has already transferred Petitioner to a community confinement center, **IT IS HEREBY ORDERED THAT** Petitioner's Application for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Clerk Doc. No. 1) is **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 13, 2006

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge